



FILED

09/23/21
02:15 PM

Attachment A:

Federal Funding Account Program Guidelines Staff Proposal

Table of Contents

1.	Background and Purpose	4
2.	Eligible Areas	5
3.	Funding Criteria.....	7
4.	Definitions.....	8
5.	Eligible Entities	9
6.	Middle Mile Funding under the Federal Funding Account Last Mile Program.....	10
6.1.	Open Access	10
6.2.	Interconnection	11
6.3.	Interconnection with Statewide Open-Access Middle Mile Network	11
6.4.	Interconnection and Pricing.....	12
6.5.	Open Access Decision Enforcement	12
6.6.	Open Access Reporting.....	12
7.	Performance Criteria	13
8.	Reimbursable Expenses	13
9.	Information Required from Applicants	14
9.1.	Application Item 1 - Project Summary (Distributed Publicly)	14
9.2.	Application Item 2 - Applicant Entity Information	16
9.3.	Application Item 3 - Description of the Applicant's Current Broadband Infrastructure and Existing Infrastructure in the Area .	16
9.4.	Application Item 4 - Project Location Data	16
9.5.	Application Item 5 - Median Income	17
9.6.	Application Item 6 - Project Eligibility	17
9.7.	Application Item 7 - Deployment Schedule	18
9.8.	Application Item 8 - Proposed Project Expenditures	18
9.9.	Application Item 9 - Economic Life of All Assets to be Funded.....	19
9.10.	Application Item 10 - Letter of Credit Requirement.....	19
9.11.	Application Item 11 - Pricing Commitment.....	20
9.12.	Application Item 12 - Marketing/Outreach Plan.....	20
9.13.	Application Item 13 - Government and Community Support.....	20
9.14.	Application Item 14 - Funding Sources	20
9.15.	Application Item 15 - Financial Qualifications.....	21
9.16.	Application Item 16 - Project Viability.....	21
9.17.	Application Item 17 - Providing Voice Service.....	21
9.18.	Application Item 18 - CEQA Attestation.....	22
9.19.	Application Item 19 - Application Checklist.....	22
9.20.	Application Item 20 - Affidavit.....	22
10.	Submission and Timelines.....	22

11.	Posting of Applications.....	22
12.	Application Objections.....	23
13.	Ministerial Review.....	25
14.	Semi-Annual and Completion Reporting.....	25
15.	Payment.....	28
16.	CEQA Payment.....	29
17.	Execution and Performance.....	29
18.	Construction Phase.....	30
19.	Post-Construction Phase.....	31
20.	Audit Compliance Changes.....	31
21.	Penalties.....	31

1. Background and Purpose

This proposal sets out rules for the newly established Federal Funding Account within the California Advanced Services Program

The COVID-19 public health emergency has underscored the importance of universally available, high-speed, reliable, and affordable broadband as millions of Americans rely on the internet to participate in, among critical activities, remote school, healthcare, and work. Recognizing the need for such connectivity, the American Rescue Plan Act (ARPA) provides funds to State, territorial, local, and Tribal governments to, among other things, make necessary investments in broadband infrastructure.¹

On July 20, 2021, Governor Gavin Newsom signed Senate Bill (SB) 156 into law, creating the Federal Funding Account (FFA). SB 156 revises and recasts the California Advanced Services Fund (CASF) program (Cal. Pub. Util. Code § 281), among other things, to establish as the goal of the Broadband Infrastructure Grant Account, rather than the CASF fund, by not later than December 31, 2026, to approve funding for infrastructure projects that will provide broadband access to no less than 98% of California households and establishes the Federal Funding Account in the CASF program. The statute directs the Commission to use state or federal infrastructure moneys deposited into the Federal Funding Account to implement a program to expeditiously connect unserved and underserved communities by applicable federal deadlines.² SB 156 further provides that until June 30, 2023, the Commission must allocate one billion dollars (\$1,000,000,000) in urban counties and one billion dollars (\$1,000,000,000) in rural counties. The Commission must initially allocate five million dollars (\$5,000,000) in each urban county. The Commission must allocate the remaining moneys based on each county's proportionate share of the households without access to broadband internet access service with at least 100 megabits per second download speeds, as identified and validated by the Commission pursuant to the most recent broadband data collection, as of July 1, 2021.

¹ American Rescue Plan Act of 2021 (ARPA), sec. 9901, Public Law 117-2, codified at 42 U.S.C. 802 *et seq.* Section 9901 of ARPA amended Title VI of the Social Security Act 17 (the Act) to add section 602, which establishes the Coronavirus State Fiscal Recovery Fund, and section 603, which establishes the Coronavirus Local Fiscal Recovery Fund (together, the Fiscal Recovery Funds). The Fiscal Recovery Funds are intended to provide support to State, local, and Tribal governments in responding to the impact of COVID-19, including investment in broadband infrastructure.

² Cal. Pub. Util. Code § 281(n)(1).

SB 156 provides that projects funded by the Federal Funding Account shall be implemented consistent with Part 35 of Title 31 of the Code of Federal Regulations and any conditions or guidelines applicable to these one-time federal infrastructure moneys. On May 17, 2021, the United States Treasury Department (Treasury) issued an Interim Final Rule to implement the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund (SLFRF) established under ARPA. This Interim Final Rule sets out rules and regulations in Part 35 of Title 31 of the Code of Federal Regulations.³ Treasury also created a SLFRF Frequently Asked Questions (FAQ) document available to provide additional guidance on how funds should be utilized.⁴

Staff utilized these documents collectively to provide the framework for the Federal Funding Account. The following proposed rules are based on SB 156⁵ and the federal ARPA SLFRF requirements and guidance.

2. Eligible Areas

Consistent with the Interim Final Rule, eligible “projects are expected to focus on locations that are unserved or underserved. Users are unserved or underserved if they lack access to a wireline connection capable of reliably delivering at least minimum speeds of 25 Mbps download and 3 Mbps upload as households and businesses lacking this level of access are generally not viewed as being able to originate and receive high-quality voice, data, graphics, and video telecommunications.” (86 Fed. Reg. 26805).

The Treasury Coronavirus State and Local Fiscal Recovery Funds Frequently Asked Questions (FAQ) provide more detail in response to questions from stakeholders. The FAQ states that “businesses” includes schools, libraries, or other non-residential connections: “The term “businesses” in this context is interpreted broadly to include non-residential users of broadband, including

³ Department of the Treasury, Interim Final Rule, Coronavirus State and Local Fiscal Recovery Funds, 31 C.F.R. Part 35, 86 Fed. Reg. 26786 (May 17, 2021)(Interim Final Rule), available at: <https://www.govinfo.gov/content/pkg/FR-2021-05-17/pdf/2021-10283.pdf>.

⁴ The Coronavirus State and Local Fiscal Recovery Funds Frequently Asked Questions as of July 19, 2021, is available here: <https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>.

⁵ https://www.cpuc.ca.gov/-/media/cpuc-website/files/uploadedfiles/cpuc_public_website/content/utilities_and_industries/communications_-_telecommunications_and_broadband/casf-infrastructurepublished-rules-revised.pdf

⁶ Coronavirus State and Local Fiscal Recovery Funds, Federal Register Volume 86, No. 93, Page 26805 (May 17, 2021).

private businesses and institutions that serve the public, such as schools, libraries, healthcare facilities, and public safety organizations.”⁷

The FAQ includes answers to questions around the definition of unserved and underserved: “The use of “reliably” in the Interim Final Rule provides significant discretion to assess whether the households and businesses in the area to be served by a project have access to wireline broadband service that can consistently meet the specified thresholds of at least 25Mbps/3Mbps – i.e., to consider the actual experience of current wireline broadband customers that subscribe to services at or above the 25 Mbps/3 Mbps threshold. Whether there is a provider serving the area that advertises or otherwise claims to offer speeds that meet the 25 Mbps download and 3 Mbps upload speed thresholds is not dispositive.”⁸

The FAQ entry goes on to discuss data and processes relevant to application of the unserved and underserved definition: “When making these assessments, applicants may choose to consider any available data, including but not limited to documentation of existing service performance, federal and/or state-collected broadband data, user speed test results, interviews with residents and business owners, and any other information they deem relevant. In evaluating such data, applicants may take into account a variety of factors, including whether users receive service at or above the speed thresholds at all hours of the day, whether factors other than speed such as latency or jitter, or deterioration of the existing connections make the user experience unreliable, and whether the existing service is being delivered by legacy technologies, such as copper telephone lines (typically using Digital Subscriber Line technology) or early versions of cable system technology (DOCSIS 2.0 or earlier).”⁹

2.2 Project Identification and Application Process

The Commission will identify priority proposed project areas and initiate a round of grant-making through public announcement.

Staff will publish proposed project areas that are coordinated with the Commission’s obligation to assist in preparing definitive plans for deploying necessary infrastructure in each county, including coordination across contiguous counties.

⁷ See, FAQ Question 6.16 [7/14].

⁸ See, FAQ Question 6.11 [6/17].

⁹ FAQ Question 6.11 [6/17].

The proposed project areas will be developed on a county-by-county basis while accounting for projects that may not fall strictly within county lines. Proposed projects will endeavor to ensure that all unserved communities are served.

Potential applicants will have an opportunity to propose adding or subtracting from the proposed project area consistent with the eligible area requirements.

3. Funding Criteria

The Interim Final Rule uses specific language around project deployed or build-to speeds: “Eligible projects are expected to deliver, upon project completion, service that reliably meets or exceeds symmetrical upload and download speeds of 100 Mbps”.¹⁰

“There may be instances in which it would not be practicable for a project to deliver such service speeds because of the geography, topography, or excessive costs associated with such a project. In these instances, the affected project would be expected to deliver, upon project completion, service that reliably meets or exceeds 100 Mbps download and between at least 20 Mbps and 100 Mbps upload speeds and be scalable to a minimum of 100 Mbps symmetrical for download and upload speeds.”¹¹

Commission Evaluation of Applications

The Commission will evaluate eligible project applications based on the following criteria:

- a. Match (10 points). An application will receive credit based on the percentage of matching funds the applicant proposes to invest in its project and the variety of sources of matching funding provided by others.
- b. Project technology choice (10 points). Fiber optic infrastructure is scalable and enables the next generation of application solutions for all communities. An application proposing to invest in fiber optic infrastructure will receive credit.¹²

¹⁰ See, Interim Final Rule, 86 Fed. Reg. 26804, 26823.

¹¹ Coronavirus State and Local Fiscal Recovery Funds, Federal Register Volume 86, No. 93, Page 26804 (May 17, 2021). See also, Coronavirus State and Local Fiscal Recovery Funds, Federal Register Volume 86, No. 93, Page 26823 (May 17, 2021).].

¹² Interim Rule, 86 Fed. Reg. 26786, 26805.

- c. Type or Partnership (10 points). Public and tribal entities have less pressure to turn profits and provide service with a commitment to serving entire communities. An application proposing to build a broadband network owned, operated by, or affiliated with local governments, non-profits, Tribe, and co-operatives will receive credit.¹³
- d. Service affordability (10 points). An application that integrates two or more affordability options will receive credit (i.e., affordable offer, low income plan, California LifeLine, federal Lifeline, and/or the Emergency Broadband Benefit or its successor).¹⁴
- e. Existing broadband service need (40 points). An application proposing to serve locations with the least access or slowest speed and the highest need, as identified by the Commission's Communications Division, will receive credit. The Communications Division will publish proposed project areas that are coordinated with the Commission's obligation to assist in preparing definitive plans for deploying necessary infrastructure in each county, including coordination across contiguous counties.¹⁵
- f. Applicant capacity and performance (10 points). An application that demonstrates the financial, technical, and operational capacity to execute the project successfully and completely in the timeframe will receive credit.
- g. Technology Network and Budget (10 points). An application that demonstrates a well-planned project with a reasonable budget that shows it will deliver speeds and service proposed and be sufficiently robust to meet increasing demand for bandwidth will receive credit.

The Commission reserves the right to reject any application as filed, and determine the terms of a grant award, including the award amount, with the selected applicant prior to offering the grant. If negotiations cannot be concluded successfully with an applicant, as determined solely by the Commission, the Commission may withdraw its award offer.

4. Definitions

"Broadband Map" means the California Interactive Broadband Map (available at

¹³ Interim Rule, 86 Fed. Reg. 26786, 26806.

¹⁴ Interim Rule, 86 Fed. Reg. 26786, 26806.

¹⁵ Public Utilities Code Section 281 (b)(5)(C). See also, Coronavirus State and Local Fiscal Recovery Funds, Federal Register Volume 86, No. 93, Page 26804 (May 17, 2021).

<http://www.broadbandmap.ca.gov/>) showing served status and eligibility, maintained by the Commission or successor map showing Federal Funding Account eligibility and/or proposed project areas.

“Location” means an individual, serviceable location that is identified by street address (if one exists) and latitude/longitude coordinates, as well as potential subscriber type.

“Eligible Project” means an area containing a significant number of unserved and underserved households and that is not within area with an existing wireline broadband grant. Eligible projects must be capable of offering wireline broadband service at or above 100/100 Mbps, or 100/20 Mbps if symmetrical service is not practicable.

“Low-income areas” means areas identified by the median income within a Census Block Group having median income less than the California Alternate Rates for Energy (CARE) standard for a household of 4, which will be updated annually. Through May 31, 2021, this value is \$52,400.¹⁶

“Low-income customers” are households with incomes that would qualify for CARE pursuant to Pub. Util. Code §739.1(a) and D.16-11-022 at 18 (or as updated in a successor decision). As noted above, for a household of four the income threshold is \$52,400 through May 31, 2021. The threshold is updated regularly in the CARE proceeding, A.19-11-003, et. al.

“Low-income plans” are subscriptions costing no more than \$15 per month, consistent with the Funding Criteria Section of this document.

An “unserved” area means an area for which no wireline broadband provider reliably offers broadband service at speeds of at least 25 Mbps downstream and 3 Mbps upstream to the entire community.¹⁷

5. Eligible Entities

¹⁶ The Commission’s CARE program standard applies per household. We assume a household size of four persons. <https://www.cpuc.ca.gov/industries-and-topics/electrical-energy/electric-costs/care-fera-program>

¹⁷ To determine if an area is unserved, the Commission will rely on data from a variety of services, including broadband deployment data, subscriber data, crowdsourced data, service quality data, and qualitative data.

The following entities are eligible for a FFA grant:

- Entities with a Certificate of Public Convenience and Necessity (CPCN) that qualify as a “telephone corporation” as defined under Public Utilities (Pub. Util.) Code section 234; or
- Non-telephone corporations that are facilities-based broadband service providers; or
- Local governmental agencies; or
- Electric utilities; or
- Tribes.

6. Middle Mile Funding under the Federal Funding Account Last Mile Program

Consistent with the Interim Final Rule, recipients may use payments from the Funds for “middle-mile projects,” but recipients are encouraged to focus on projects that will achieve last-mile connections – whether by focusing on funding last-mile projects or by ensuring that funded middle-mile projects have potential or partnered last-mile networks that could or would leverage the middle-mile network.¹⁸

For projects that include funding for middle-mile infrastructure, the staff will evaluate and verify that the proposed middle-mile infrastructure is needed to achieve the last-mile connections. Additionally, the Commission will evaluate whether the proposed middle mile infrastructure can be provided by or incorporated into the statewide middle mile network.

Staff will verify if existing middle-mile infrastructure in a proposed project area is sufficient, reasonably affordable, and open-access prior to granting or making a recommendation to the Commission to grant a proposed project.

6.1. Open Access

For projects awarded FFA funding to deploy middle-mile infrastructure, the middle-mile segment(s) shall be deemed open access for the duration of the lifetime of that infrastructure. Open access requires that FFA funded middle-mile infrastructure be made available to provide nondiscriminatory

¹⁸ ARPA Frequently Asked Questions Guidance Question 6.9.

interconnection and internet access at reasonable and equal terms to any communications service provider that wishes to interconnect with that infrastructure, wherever technically feasible.¹⁹

6.2. Interconnection

FFA grant recipients subject to the open access requirement must provide open access at any technically feasible interconnection point in the network. Interconnection may be infeasible in some locations. Providers must make a good-faith effort to find a technically feasible solution where possible.

Interconnection includes, at a minimum, the physical interconnection of the FFA recipient's facilities to a requesting party's facilities for the exchange of traffic. Service offerings may include, but not be limited to, lease of dark fiber, local transmission services, transport, and dedicated Internet access services.

Examples of feasible location types include:

- any previously defined interconnection points;
- new and existing network exchange locations;
- splice points; and
- where wireline infrastructure has been damaged and repairs have been made or are planned to be within 500 meters of an unserved community.

Consistent with the requirement to negotiate in good faith, the FFA grant recipient must provide information detailing the FFA-funded infrastructure to parties requesting interconnection such as route maps, interconnection points, splice points, and type of fiber.

FFA grant recipients must make all reasonable efforts to allow requesting parties to interconnect and procure transport service or wholesale a direct connection. In addition, FFA grant recipients must provide requesting parties with an ability to connect to the Internet irrespective of whether the FFA grant recipient connects to the Internet directly or indirectly.

6.3. Interconnection with Statewide Open-Access Middle Mile Network

Projects will interconnect with the statewide open-access middle mile network,

¹⁹ See, e.g., BroadbandUSA, Fact Sheet: Broadband Technology Opportunities Program, Nondiscrimination and Interconnection Obligations (Nov. 10, 2010), *available at* https://www2.ntia.doc.gov/files/Interconnection_Nondiscrimination_11_10_10_FINAL.pdf.

where and when feasible.

6.4. Interconnection and Pricing

Pricing, and terms and conditions for other providers to interconnect with FFA-funded middle mile shall be just, reasonable, , and nondiscriminatory.

Grant recipients must offer tiered pricing and a range of options to fit different business models. The service levels must be equivalent for similarly situated entities such as Wholesale (ISP) / Government / Public Anchor Institution / etc. Pricing, tariffs, and the framework identifying standard terms and conditions must be provided to the Commission's Communications Division as part of the FFA application for middle-mile funding and may be updated by the grantee from time to time. Terms and conditions should address essential elements of network operations such as cybersecurity, circuit provisioning, network outages, future capital investment costs, and operations and maintenance costs.

Grant recipients shall negotiate in good faith with all requesting parties (i.e., public, private, non-profit, or other parties) making a bona fide request for interconnection or wholesale services.²⁰ Reasonable prices, terms, and conditions for last-mile provider access to middle-mile infrastructure may vary depending on local circumstances such as physical and network conditions, or the types of services and service levels requested by the last-mile provider.

6.5. Open Access Decision Enforcement

In the event that the FFA grant recipient fails to comply with the open access requirement (for middle mile funded by the FFA) in accordance with the terms of approval granted by the Commission, or in the event that the FFA grant recipient does not negotiate in good faith with a requesting party, the requesting party may file a complaint with the Commission.

6.6. Open Access Reporting

For the life of the middle-mile infrastructure, the FFA grant recipient must provide, in its confidential annual report to the Commission, a detailing of the number of interconnection requests and executed service agreements. The report

²⁰ See FCC 04-164 Report and Order, *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers* (FCC Docket No.: CC 01-338). <https://www.fcc.gov/document/review-section-251-unbundling-obligations-incumbent-local-2>

must include: date of request, requesting party, location of requested interconnection, service requested, outcome of request, pricing, tariffs (if applicable), and terms and conditions.

7. Performance Criteria

At a minimum, all FFA projects must meet the performance criteria outlined below:

- a. **Project Completion:** All CEQA-exempt projects must be completed within 12 months, and all other projects shall be completed within 24 months after receiving authorization to construct.
- b. **Pricing:** All applicants shall commit to serve customers in the project area at the prices provided in the application for the life of the infrastructure.
- c. **Speeds:** All households in the proposed project areas must be offered a broadband Internet service plan with speeds of at least 100 Mbps download and 100 Mbps upload, or speeds of at least 100 Mbps download and 20 Mbps upload if applicable.
- d. **Latency:** All projects shall provide service at no higher than 100 ms of latency.
- e. **Data Caps:** Data caps are disfavored. If including a data cap an applicant must include a justification about how the cap does not limit reliability of the connection to the users. In any event, data caps shall provide a minimum of 1000 GBs per month.
- f. **Affordability:** All projects shall provide an affordable broadband plan, as defined in the Definitions, for low-income customers, California LifeLine, federal Lifeline service and the Emergency Broadband Benefit, or its successor.

8. Reimbursable Expenses

The costs the Commission may reimburse are as follows:

- a. Costs directly related to the deployment of infrastructure;
- b. Costs to lease access to property or for Internet backhaul services for a period not to exceed five years; and
- c. Costs incurred by an existing facility-based broadband provider to upgrade its existing facilities to provide for interconnection.

- d. Costs incurred during the period beginning March 3, 2021 and ending December 31, 2024.²¹

Additionally, administrative expenses directly related to the project shall be capped at 2 percent of the grant amount and a maximum of 15 percent contingency on direct infrastructure costs.²²

9. Information Required from Applicants

A single application must be submitted by each applicant for any eligible project areas. Non-contiguous project areas may be considered as a single project. Applicants proposing projects with middle-mile infrastructure must show that it is indispensable for accessing the last-mile infrastructure and must commit to open access requirements. In order to be reviewed, all applications must include the items listed below.

9.1. Application Item 1 – Project Summary (Distributed Publicly)

The applicant must submit a Project Summary, which Communications Division Staff will post on the website. The applicant also must submit the Project Summary to the CASF Distribution List. The summary must include the following information:

- Company/Applicant's name.
- CPCN/U-Number or pending CPCN application number.²³
- Contact person.
- Project title.
- Named project location (Community/County).
- Project type (Last-mile or Hybrid Last-mile/Middle-mile).
- Amount of FFA grant funding requested and project cost.

²¹ 31C.F.R. 35.5(a), FAQ Question 4.7)

²² We define administrative costs as “indirect overhead costs attributable to a project, per generally accepted accounting principles (GAAP), and the direct cost of complying with Commission administrative and regulatory requirements related to the grant itself.”

Applicants seeking additional funds will require a Commission exemption included in a draft resolution.

²³ A CPCN or WIR authority is not necessary to apply for or be awarded an FFA grant. CPCN and WIR information is available at www.cpuc.ca.gov/General.aspx?id=1019

- Map of the proposed project area.
- The number of unserved households the project will serve.
- The maximum Mbps downstream and upstream speed currently offered to households.
- Median Household Income of the project area.
- The number of businesses, anchor institutions and public safety locations in the project area that will receive new or improved service.
- A description of the major infrastructure to be deployed: miles of planned fiber, Central Offices used, number of remote terminals/fiber huts to be built, and if an Indefeasible Right of Use (IRU) is used.
- Estimated breakdown of aerial and underground installation.
- Major equipment expenses (e.g., number of routers, modems, etc.).
- Estimated project plan with major milestones and construction timeline.
- Description of proposed broadband project plan for which FFA funding is being requested, including the type of technology to be provided in the proposed service areas:
 - Download speed capabilities of proposed facilities.
 - Upload speed capabilities of proposed facilities.
 - The project description will provide enough construction detail to enable a preliminary indication of the need for a California Environmental Quality Act (CEQA) review and if proposed project areas contain any environmentally sensitive areas. For example, when trenching is required, the applicant will state and describe the manner in which the site is to be restored, post-trenching.
 - Identification of the leveraging of existing available facilities.
 - A statement of whether the applicant is disputing the Broadband Map depiction of served status.
 - A statement of whether the applicant is seeking Ministerial Review and, if so, information that the application meets all requirements for Ministerial Review.
 - An explanation of why any Middle Mile facilities in the proposed project are necessary for accessing the proposed last-mile infrastructure.
 - A statement accepting the open access requirements for any Middle

Mile facilities in the proposed project.

9.2. Application Item 2 – Applicant Entity Information

The applicant must provide the following information, as necessary:

- Information Sheet (Attachment A to this document) with a Certificate of Good Standing issued by the Secretary of State;
- Organizational Chart, Company History, and Statement of Readiness to Build, Manage, and Operate Broadband;
- Key Contact Information (Name, Title, Address, Email Address, and Phone number);
- Key Company Officers.

9.3. Application Item 3 – Description of the Applicant’s Current Broadband Infrastructure and Existing Infrastructure in the Area

The applicant must provide:

- A description of the provider’s current broadband infrastructure and service within five miles of the proposed project;
- A description of other providers’ infrastructure within the project area which can be leased, purchased or accessed via interconnection.

9.4. Application Item 4 – Project Location Data

The applicant must provide the following:

- The geographic location of all households and housing units. This information will be provided in a plain-text, comma-separated values (CSV format) file, or kmz/kml file or shapefile, that contains geo-located street address information, including latitude and longitude coordinates.²⁴ Additional information about how to format this item is available on the FFA website.
- The geographic location of the project related key network equipment, such as router facilities, remote terminals, network interconnection, etc. Additional information about how to format this item is available on the

²⁴ There are a several possibilities for acquiring geolocated street address level data.

This document from USAC provides an overview of geolocation methods:

<https://www.usac.org/wp-content/uploads/high-cost/documents/Tools/HUBBGeolocationMethods.pdf>.

CASF webpage.

- The specific geographic boundary of the project area within which all project locations will fall (shapefile or .kml).

9.5. Application Item 5 - Median Income

The applicant must report the median household income for each Census Block Group (CBG) that intersects the project area. The California Broadband Map (<http://www.broadbandmap.ca.gov/>) includes census derived population and income data and information regarding existing service providers and their reported service speeds. Using the census block group layer data return, the median income and CBG code can be obtained. For reference, CBG codes are formatted as follows:

- CBG(s) must be based on the latest decennial census. CBG(s) must be in a twelve digit format, as follows:²⁵

<u>State</u>	<u>County</u>	<u>Tract</u>	<u>Block Group</u>
2 digits	3 digits	6 digits	1 digit

9.6. Application Item 6 - Project Eligibility

The applicant must rely on the project areas published by the Communications Division or the Broadband Map to identify project eligibility, as discussed in Section 1 of these Program Rules. The applicant must:

- Provide an assertion that the applicant reviewed the wireline served status on the Broadband Map and determined that the broadband project area proposed is eligible.
- Evidence may be used to dispute the Broadband Map depictions of served status, including the following:
 - The applicant may provide CalSPEED tests to show actual speeds or denials of service or other public feedback as evidence on unserved status. The Commission's public feedback tools are available on the Communications Division website:
<https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/broadband-mapping-program/broadband-availability-public-feedback>.
 - The applicant may provide other crowdsourced speed test data from other platforms, such as Ookla.
 - The applicant may present data contesting the reliability of service

²⁵ For example, a census block in the town of Fort Bidwell in Modoc County is 060490040001.

- provided by existing providers (e.g., service quality information).
- The applicant may provide qualitative information (e.g., interviews and testimonial from the impacted community).
 - Other available data, including but not limited to documentation of existing service performance, federal and/or state-collected broadband data, user speed test results, interviews with residents and business owners, data that addresses a variety of factors, including whether users actually receive service at or above the speed thresholds at all hours of the day, whether factors other than speed such as latency or jitter, or deterioration of the existing connections make the user experience unreliable, and whether the existing service is being delivered by legacy technologies, such as copper telephone lines (typically using Digital Subscriber Line technology) or early versions of cable system technology (DOCSIS 2.0 or earlier).

If served households are included in a project, the application must include the rationale for why providing service to these households is essential to the project.

9.7. Application Item 7 - Deployment Schedule

The applicant must provide:

- A schedule for obtaining necessary permits prior to construction. The schedule must include the timeline required for the California Environmental Quality Act (CEQA) review, as applicable.
- A schedule for project construction following receipt of permits, to complete the project within 24 months, or within 12 months if the project is categorically exempt from CEQA. The schedule needs to identify and describe construction milestones and include start and end dates for each milestone.
- If the applicant is unable to construct and complete the proposed project within the approved timeline, it must notify Staff as soon as it becomes aware and explain reasons for the delay and when the project will be completed.

9.8. Application Item 8 - Proposed Project Expenditures

The applicant must provide:

- Identification of expense categories; direct and or indirect expenses;
- Identification of direct expenses; equipment/materials, labor/construction

wages and permitting/CEQA review;

- Identification of individual cost elements and their cost amount with associated costs for last-mile and middle-mile infrastructure separated. The applicant must identify all the equipment to be funded by the FFA by category, (buildings, poles, network and access equipment, operating equipment, customer premise equipment, materials), and the type of equipment (new building, prefabricated building, rehab of existing building, poles, modification of poles, broadband switching equipment, cable, etc.);
- Identification of allocated indirect costs; General and Administrative expenses, such as repair & maintenance expenses for equipment and facilities, utilities, rent of equipment and facilities, administrative costs, indirect materials and supplies, insurance on equipment & machinery, indirect labor and contract supervisory wages, production period interest expense;
- Administrative expenses, including executive salaries, are limited to 15 percent of the total grant amount. We define administrative costs as indirect overhead costs attributable to a project, per generally accepted accounting principles (GAAP), and the direct cost of complying with Commission administrative and regulatory requirements related to the grant itself.

9.9. Application Item 9 – Economic Life of All Assets to be Funded

The applicant must identify all the equipment to be funded by category (buildings, outside plant, poles, network and access equipment, operating equipment, customer premise equipment), the type of equipment (new building, prefabricated building, rehab of existing building, new poles, modification of existing poles, broadband switching equipment, office furniture and fixture, etc.), and the estimated useful life (10, 15, 20, etc. years).

9.10. Application Item 10 – Letter of Credit Requirement

An eligible applicant that does not hold a CPCN issued by the Commission is required to submit a Letter of Credit. The Letter of Credit must be irrevocable and will permit the Commission to immediately reclaim any funds provided in the event of non-compliance with the Commission's rules or requirements. The applicant must provide a letter of credit covering the full FFA grant amount issued to the applicant. The letter of credit must be valid throughout its entire 24-month project construction period.

9.11. Application Item 11 - Pricing Commitment

Applicants must submit the fixed monthly service subscription rates that it will offer to all consumers for the useful life of the infrastructure being deployed. To encourage adoption, installation charges must be waived during the commitment period. The applicant shall identify in its application:

- Fixed monthly service level subscription rates.
- Waived installation/service connection charges.
- Specify any commitments and/or requirements that the customer must accept in order to receive equipment, such as return of equipment.
- Low-income broadband plan detailing prices, data caps and speeds to be offered. Applicants must provide Lifeline service and the Emergency Broadband Benefit, or its successor. At minimum, the low-income broadband plan must meet all FFA performance criteria.

Applicants requesting funding for middle-mile infrastructure must submit a framework identifying open access offerings including tiered pricing structures and the standard terms and conditions that will be available to entities requesting interconnection.

9.12. Application Item 12 - Marketing/Outreach Plan

The applicant must provide a plan to encourage subscription of the broadband service in the project location. The submission shall explain the marketing and outreach plans the applicant will employ to attract residents to sign up for service during the pricing commitment period.

9.13. Application Item 13 - Government and Community Support

The applicant may submit endorsements or letters of support from state and local government, community groups, and anchor institutions supporting the deployment of the broadband infrastructure.

9.14. Application Item 14 - Funding Sources

The applicant must identify each applicable project funding source, such as; loans, financial contributions from the service provider, public or private broadband adoption or deployment program funds, and federal and state grants or loans.

9.15. Application Item 15 - Financial Qualifications

The following must be submitted by applicant regarding the company:

- CPA Audited/Attested Financial Statements for the last three years:
 - Balance Sheet
 - Income Statement
 - Statement of Cash Flows
- Pro Forma Financial Forecast for a five-year period, including a list of assumptions supporting the forecast. Projections must include:
 - Balance Sheet
 - Income Statement
 - Statement of Cash Flows
- Five-year annual EBIT (Earnings Before Income and Tax) projection for the company.

CPA Audited or Attested Financial Statements will be accepted from parent companies in lieu of financial statements from subsidiaries that have no audited or attested financial statements. If applicant has been in existence for less than three years, financial statements for as long as applicant has been in existence, e.g. one or two years, will be considered.

9.16. Application Item 16 - Project Viability

The applicant must provide a five-year projected project business plan showing project grant funding, profitability, revenues, and expenses. That plan must include an annual EBIT for the project. The project viability forecast must include projected revenue from customers, showing changes in subscriptions and service rates and charges through the pricing commitment period and the period thereafter, years three through five, as applicable.

9.17. Application Item 17 - Providing Voice Service

The applicant must provide information about the following:

- Availability of voice service that meets California and FCC requirements for 9-1-1 service
- Deployment plans for applicable Federal and state requirements for

battery back-up;

9.18. Application Item 18 – CEQA Attestation

The applicant must provide information about their project demonstrating how CEQA compliance is to be obtained. The applicant shall attest that they have contacted the Commission’s Energy Division CEQA section in advance of the filing and have consulted with CEQA Staff regarding the process of developing and filing a Proponent’s Environmental Assessment (PEA) or other CEQA documents and are aware of their responsibilities if their proposed project is not exempt from CEQA. Information on PEA and CEQA requirements is available on the Commission’s website at: www.cpuc.ca.gov/ceqa.

9.19. Application Item 19 – Application Checklist

An applicant must complete the Program Application Checklist Form and attach it to each project proposal. (See Attachment B to this document.)

9.20. Application Item 20 – Affidavit

Applicants must submit an affidavit, under penalty of perjury, that to the best of their knowledge all the statements and representations made in the application information submitted is true and correct. (See Attachment C to this document.)

10. Submission and Timelines

Applications are due on a quarterly basis (i.e., January 1, April 1, July 1, and October 1). CD Staff will post Application Summaries and Maps to CPUC website and notify CASF Distribution List within 10 days. The deadline to submit objections to any applications will be 10 days thereafter. In the event any date falls on a weekend or holiday, the deadline is the next business day.

Applicants should electronically file their completed applications at <http://www.cpuc.ca.gov/puc/> and mail a separate hard copy to the Communications Division, Attn: California Advanced Services Program, and mail another hard copy to the Public Advocates Office at the CPUC. Since applications are not filed with the Commission’s Docket Office, they will not be assigned proceeding number(s).

11. Posting of Applications

The Commission will post a list of all pending applications, objection deadlines, and notices of amendments to pending applications on the FFA webpage. The Commission already has a CASF distribution list of interested parties, and will continue to notify the distribution list of interested parties for any FFA applications. The Commission will endeavor to serve applications and any amendments to an application for project funding to those on the service list and post on the FFA webpage at least 30 days before publishing the corresponding draft resolution.

12. Application Objections

The Commission will provide a period during which interested persons may review the grant applications that have been submitted and file written comments objecting to an application under review. The Commission will consider these comments in reviewing the application. Any party that objects to a proposed area as already served must provide definitive evidence that the area is in fact already served.

An objection must identify and discuss an error of fact, or policy or statutory requirement that the application has contravened. Comments must be submitted no later than 21 calendar days, or a different date set by Staff, from when the entity serves notice of the application on the CASF Distribution List. Comments filed after the deadline will be deemed denied. Comments must be filed with the Commission and served on the CASF Distribution List.

Consistent with the Interim Final Rule, grant recipients should avoid investing in locations that have existing agreements to build reliable wireline service with minimum speeds of 100 Mbps download and 20 Mbps upload by December 31, 2024, in order to avoid duplication of efforts and resources.²⁶ An objection asserting an existing agreement to build such a wireline service should provide evidence of the existing agreement, and plans indicating the construction route, service area boundaries, and other pertinent construction details.

Consistent with the Interim Final Rule, it “suffices that an objective of a project is to provide service to unserved or underserved households or businesses. Doing so may involve a holistic approach that provides service to a wider area in order, for example, to make the ongoing service of unserved or underserved

²⁶ Coronavirus State and Local Fiscal Recovery Funds, Federal Register Volume 86, No. 93, Page 26806 (May 17, 2021).

households or businesses within the service area economical. Unserved or underserved households or businesses need not be the *only* households or businesses in the service area receiving funds.”²⁷As such, a project is not disqualified by proposing to provide service to served households. An objection asserting existing wireline communications infrastructure meets or exceeds the 25/3 Mbps unserved definition may still be provided. These objections must include the following to be considered:

- An attestation that all information provided is true and accurate in accordance with the Rule 1 of the Commission’s Rules of Practice and Procedure.
- An attestation that the households identified in (a) are offered service and have the capability to reliably receive minimum speeds of 25 Mbps download and 3 Mbps upload.
- The geographic location of all households it serves in the area(s) for which the objection is filed. This information must be provided in a plain-text, comma-separated values (CSV) file, that contains geo-located street address information, including latitude and longitude coordinates.
- The number of subscribers and the level of service subscribed to in the area being disputed. Additionally, Commission staff may request billing statement information to verify subscribership. This information shall be submitted unredacted to the Commission under seal.
- Permits, easements, or pole attachment applications submit and approved when infrastructure was built.
- Pictures of provider infrastructure in the area (i.e., wires, huts, vaults, etc.).

Comments that do not meet these requirements will be deemed denied. The Commission will only accept public comments. Criticism of applications based upon confidential and other non-public service data will not be given weight in the evaluation process.

An applicant may respond to any objection filed by an interested party within 14 days. A response to an objection must provide a public notice on the CASF Distribution List.

Communications Division Staff will review this information, along with the applicant’s documentation, as it develops its recommendations to the

²⁷ See, FAQ Question 6.9.

Commission for the disposition of each application.

13. Ministerial Review

The Commission delegates to Communications Division Staff the authority to approve applications, including determinations of funding, that meet all of the following criteria:

1. Applicant meets the program eligibility requirements.
2. The application has not received objections or Staff has determined that the project area is unserved.
3. The total grant does not exceed \$25,000,000.
4. The project must be California Environmental Quality Act (CEQA)-exempt, or approval letter must state that authorization to construct and release funds will be provided in a forthcoming resolution.
5. There must be no competing applications for the same project area in the same application period.
6. Costs per household are low, proposed project costs \$9,300 per household or less.

Applications not meeting these criteria may only be approved by the Commission via resolution.

Ministerial Process	Resolution Process
Maximum Cost per location of \$9,300	Does not meet all criteria under Ministerial Process
Maximum Grant Amount: \$25,000,000	
Must be CEQA-exempt, or approval letter must state that authorization to construct and release funds will be provided in a forthcoming resolution.	

14. Semi-Annual and Completion Reporting

Grantees are required to file progress reports on a bi-annual basis. These reports

will be publicly posted by the Commission. Progress reports are due on March 1 and September 1 of each year. In the event either date falls on a weekend or holiday, the reports are due the following business day. Progress reports shall contain the following:

- Description of project accomplishments during this period.
- Identification of project milestones and the percent complete to date. If the percent completed is different from the estimated target milestones from the FFA application, it is necessary to provide a narrative description explaining what occurred.
- Major construction milestones (including a reporting on all CEQA mitigation implementation and monitoring activities, if CEQA review was required), date of completion of each task/milestone as well as problems/issues encountered, and actions taken to resolve these issues/problems during construction (including CEQA compliance, if applicable).
- Description of any challenges or issues and any risks faced during this past quarter in achieving planned progress on the project, including environmental compliance and permitting challenges if applicable.
- Description of significant project milestones or accomplishments planned for next quarter.
- Subscribership information to date.
- Certification that each progress report is true and correct, under penalty of perjury.

Grantees also must submit completion reports prior to receiving the final payment. These reports shall contain the following:

- Comparison of approved versus actual costs of construction.
- Description of the project, including any changes in the project construction and alignment, if applicable.
- Milestones and completion dates for each milestone.
- Number of paying subscribers enrolled in the service provided by the funded construction and number of low-income or affordable plan customers enrolled.

- Final date of completion of the project, problems/issues encountered since last semi-annual report and actions taken to resolve these issues/problems during construction (and comprehensive reporting on CEQA mitigation compliance, if applicable).
- Speed test data at the address level for the project area, including:
 - Test results for download and upload speeds;
 - A representative sample of speed test results at dispersed locations in the project area, including locations at the edge of the project area; number of tests will vary based on project;
 - Maps and associated data of speed test locations and results in a .kmz/ .kml file, shapefile, or .csv spreadsheet.
 - A screenshot of results of CalSPEED speed tests, which can be accessed at <http://calspeed.org/index.html>.²⁸
 - An attestation that all locations within the project area are offered service at minimum speeds of 100 Mbps download and 100 Mbps upload or higher or 100 Mbps download and 20 Mbps if applicable.
- Maps and associated data of all locations served
 - The geographic coordinates of all locations that are served. This information will be provided in a plain-text, comma-separated values (.csv) file, or .kmz/ .kml file or shapefile that contains geo-located street address information, including latitude and longitude, as well as census block code (GEOID);
 - Projected subscribers versus actual subscribers (by subscriber type), as of the date of the completion report;
 - The actual number of current subscribers by subscriber type and subscriber speed;
 - The potential number of subscribers of each type that could be served using the FFA project's existing facilities at the same minimum defined speed;
 - Both the number of low-income customers in the project area and the number of low-income customers subscribing to low-income

²⁸ The technically available speed at the location shall be tested, not a customer's subscribed speed.

plans;

- Identification of the number of served locations in the project area that have broadband availability at or above the aforementioned minimum speeds.
- Documentation of advertisements, billing inserts and marketing information, by speed tier and prices.
- Open access interconnections (if applicable).
 - The number of interconnection requests and executed service agreements.

15. Payment

Requests for payments may be submitted as the project is progressively deployed. The prerequisite for first payment is the submittal of a progress report to the Commission showing that at least 10 percent of the project has been completed. Subsequent payments are made at the following deadlines: 35 percent completion, 60 percent completion, 85 percent completion and 100 percent completion. The final 15 percent payment request (from 85 to 100 percent) will not be paid without an approved completion report. Payments are based on submitted receipts, invoices and other supporting documentation showing expenditures incurred for the project in accordance with the approved FFA funding budget included in the FFA grantee's application.

If an application also meets the ministerial review criteria, a provider with a CPCN that wishes to front the full costs of a project in exchange for reduced reporting burdens may request an alternative payment structure. The one-time payment request must include a project completion report and receipts/invoices of major equipment and materials purchased, with labor costs and other items being line items reflecting the remaining total amounts charged to FFA. Staff must conduct a site visit to confirm project completion prior to authorizing payment and these reimbursements are still subject to audit.

Grantees shall submit the final request for payment within 90 days after completion of the project. If the grantee cannot complete the project within the 24-month timeline, the grantee shall notify the Commission as soon as they become aware that they may not be able to meet the timeline and provide a new project completion date.

In the event that the recipient fails to notify the Communications Division of any

delays in the project completion and the project fails to meet the approved completion date, the Commission may impose penalties to be adopted in a Commission resolution. This may include rescinding the grant. Invoices submitted will be subject to a financial audit by the Commission at any time within 3 years of completion of project. If portions of reimbursements are found to be out of compliance, Grantees will be responsible for refunding any disallowed amounts along with appropriate interest at rates determined in accordance with applicable Commission decisions.

All funds must be obligated within the statutory period between March 3, 2021 and December 31, 2024, and expended to cover such obligations by December 31, 2026.²⁹

Projects that are not progressing must be quickly dissolved to free up funds and eligible areas for alternate applicants. As such, projects must demonstrate progress toward meeting grant objectives on the 12- or 24-month timeline, as applicable. On an annual basis, Communications Division Staff will place a resolution before the Commission with recommendations from Staff as to whether the applications that have not demonstrated substantial progress should be modified, revised, or rescinded.

16. CEQA Payment

CEQA consultant costs shall be paid directly by the Commission to the contractor. Following award of a grant the Energy Division CEQA Section Staff will obtain a contractor to review the CEQA documents for the project. The FFA will pay directly the project's CEQA PEA preparation costs, but those costs will be identified as costs associated with the grant and will have no effect on the applicable shares of grantee assigned and program supported total project costs.

The applicant may file with the Energy Division's CEQA Section a completed CEQA review conducted by another agency acting as the Lead Agency pursuant to CEQA. Should this occur, grantees may request funds to pay for preparation of a PEA.

17. Execution and Performance

Staff and the grant recipient shall determine a project start date after the grant recipient has obtained all approvals, commonly 30 days after approval of the

²⁹ See, FAQ Question 6.11.

resolution or ministerial review approval. Should the recipient or Contractor fail to commence work at the agreed upon time, the Commission, upon five days written notice to the FFA recipient, reserves the right to terminate the award.

In the event that the FFA recipient fails to complete the project, in accordance with the terms of approval granted by the Commission, the FFA recipient must reimburse some or all of the CASF funds that it has received. The FFA grant recipient must complete all performance under the award on or before the termination date of the award.

Failure of an applicant to comply with the Commission's Order or grant agreement, as amended, or required by the U.S. Treasury Department may result in cancellation of the award. The Commission or the Recipient may terminate a grant award, at any time at its sole discretion by delivering ten (10) days written notice to the applicant/grant award recipient. In the event that the applicant terminates the grant award, for any reason whatsoever, it will refund to the Commission within 30 days of said termination, all payments made hereunder by the Commission to the applicant for work not completed or not accepted by the Commission. Such termination will require written notice to that effect that is delivered by the applicant to the Commission not less than ten (10) days prior to said termination.

Grant recipients shall provide for compliance with the American Rescue Plan Act and all other applicable federal statutes, regulations, and executive orders.³⁰

18. Construction Phase

A grantee must notify the Commission within five days of determining that the grantee is planning to sell or transfer its assets. The grantee shall notify the Director of the Commission's Communications Division in writing of its intent to sell or transfer company assets within five days of becoming aware of these plans. The grantee shall also provide documentation, including an affidavit, stating that the new entity will take full responsibility and ownership to comply with the requirements of the FFA award and required by the U.S. Treasury Department. The new entity shall agree in writing to such. The grantee shall provide the Commission with any necessary documents requested in its review of the transfer. This will include all documents that are generally required of all entities applying for the FFA grants. The grantee shall not transfer FFA funds or the built portion of the project to the new entity prior to Commission approval

³⁰ See, Interim Final Rule 31 C.F.R. § 35.9, 86 Fed. Reg. 26786, 26823.

via a resolution/order. If the Commission does not provide approval, it will rescind the grant.

Pursuant to P.U. Code 281(l), grantees must report monthly to the commission all of the following information throughout the construction phase:

- (A) The name and contractor's license number of each licensed contractor and subcontractor undertaking a contract or subcontract in excess of twenty-five thousand dollars (\$25,000) to perform work on a project funded or financed pursuant to this section.
- (B) The location where a contractor or subcontractor described in subparagraph (A) will be performing that work.
- (C) The anticipated dates when that work will be performed.

The Commission will, on a monthly basis, post the information reported pursuant to this subdivision on the commission's FFA internet website.

19. Post-Construction Phase

For three years after project completion, a grantee must notify the Commission within five days of determining that the grantee is planning to sell or transfer its assets. The grantee shall notify the Director of the Commission's Communications Division in writing of their intent to sell or transfer company assets within five days of becoming aware of these plans. The grantee shall also provide documentation, including an affidavit, stating that the new entity will take full responsibility and ownership to comply with the requirements of the FFA grant and requirements of the U.S. Treasury Department. The new entity shall agree in writing to such.

20. Audit Compliance Changes

All applicants are required to sign a consent form agreeing to the terms and conditions of the Federal Funding Account. These will be stated either in the Resolution approving the project, or in a letter sent by Staff to the successful applicant. The agreement will provide the name of the applicant, names of officers and members, and must be signed by the applicant. The proposed wording of the consent form is in Attachment D to this document.

21. Penalties

Non-telephone corporation grantees must agree to the following language in the affidavit found in Attachment C to this document.

ATTACHMENTS

The following attachments provide guidance to staff on information to require in Federal Funding Account program forms.

ATTACHMENT A

**Guidance to Staff on Information Sheet to be submitted by Applicants Requesting
for Program Funding**

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF
CALIFORNIA**

1. Application of:

Name of Applicant

--

for Program Funding pursuant to Decision_____

(Insert the full legal name of applicant in blank above; see instruction 1; attach fictitious names, if any)

Street address:

Telephone: ()

Fax No.: ()

E-Mail:

2. Applicant is: (Check only one; see instruction 2.)	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">A corporation (attach good standing certificate)</td> <td style="width: 20%; text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td>A general partnership (attach good standing certificate)</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td>A limited liability partnership (attach good standing certificate)</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td>A limited liability company (attach good standing certificate)</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td>A general partnership</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td>A sole proprietor</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td>A trust</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td>Other (describe)</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> </table>	A corporation (attach good standing certificate)	<input type="checkbox"/>	A general partnership (attach good standing certificate)	<input type="checkbox"/>	A limited liability partnership (attach good standing certificate)	<input type="checkbox"/>	A limited liability company (attach good standing certificate)	<input type="checkbox"/>	A general partnership	<input type="checkbox"/>	A sole proprietor	<input type="checkbox"/>	A trust	<input type="checkbox"/>	Other (describe)	<input type="checkbox"/>
A corporation (attach good standing certificate)	<input type="checkbox"/>																
A general partnership (attach good standing certificate)	<input type="checkbox"/>																
A limited liability partnership (attach good standing certificate)	<input type="checkbox"/>																
A limited liability company (attach good standing certificate)	<input type="checkbox"/>																
A general partnership	<input type="checkbox"/>																
A sole proprietor	<input type="checkbox"/>																
A trust	<input type="checkbox"/>																
Other (describe)	<input type="checkbox"/>																
	Attach name, street address, and telephone number of applicant's registered agent for service of process Attach list of the names, titles, and street addresses of all _____																

	officers and directors, general partners, trustees, members, or other persons authorized to conduct the business of applicant at a similar level <i>Attach list of all affiliated entities (see instruction 2)</i>
--	--

3. Legal domicile of applicant is:	California <input type="checkbox"/>
	Other (identify): <input type="checkbox"/>
<i>(Check only one; see instruction 3.)</i>	

4. Applicant will provide service:	In specific portions only (attach description and map) <input type="checkbox"/>
<i>(Check only one; see instruction 5.)</i>	

5. Applicant will provide broadband service only	True <input type="checkbox"/>
	Not true <input type="checkbox"/>
<i>(Check only one; see instruction 6.)</i>	

6. For the past 10 years, no affiliate, officer, director, general partner, or	True <input type="checkbox"/>
	Not true <input type="checkbox"/>
<p>person owning more than 10% of applicant, or anyone acting in such a capacity whether or not formally appointed, held one of these positions with any company that filed for bankruptcy or has been found either criminally or civilly liable by a court of appropriate jurisdiction for a violation of § 17000 et seq. of the California Business and Professions Code or for any actions which involved misrepresentations to consumers, and to the best of applicant’s knowledge, is not currently under investigation for similar violations.</p> <p style="text-align: center;"><i>(Check only one; see instruction 2.)</i></p>	

7. To the best of applicant’s knowledge, neither	True <input type="checkbox"/>
	Not true <input type="checkbox"/>
applicant, any affiliate, officer, director, partner, nor owner of more than 10% of	

applicant, or any person acting in such capacity whether or not formally appointed, has been sanctioned by the Federal Communications Commission, or any state regulatory agency for failure to comply with any regulatory statute, rule or order, or convicted by any court for any criminal activity for the past 10 years.

8. Applicant has the required financial capability and technical expertise to build a broadband infrastructure and operate and maintain a broadband service.	True	<input type="checkbox"/>
	Not true	<input type="checkbox"/>

I hereby declare under penalty of perjury under the laws of the State of California that the forgoing information, and all attachments, are true, correct, and complete to the best of my knowledge and belief after due inquiry, and that I am authorized to make this application on behalf of the applicant named above.

Signed: _____

Name (Print): _____

Title: _____

Dated: _____

Street Address:

Telephone Number:

Fax Number:

Email:

Principal Place of Business (if different from address on page 1).

Street Address:

City:

State:

ZIP Code:

Telephone Number:

Instructions:

1. Enter the legal name of applicant exactly as it appears on its articles or certificate of corporation or similar charter document.
2. Specify the type of applicant's organization. Applicant must provide a Good Standing Certificate which is available from the office of the Secretary of State of the State of California and should be dated of a date not more than 60 days prior to the date of filing the application. An original certificate must be attached to the manually signed copy of the application. An affiliated entity is any entity under common control with applicant. Common control exists if the same individuals or entities have the direct or indirect power to determine the action of applicant and such entity through the right to vote shares, by contract or agreement, or otherwise. Note whether any such entity is a reporting company for purposes of the Securities Exchange Act of 1934, as amended.
3. For individuals, domicile is the place of legal residence; for entities, it is the state of incorporation or organization.
4. Specify the exact area for which authority is requested, i.e., Community and County.
5. Indicate whether the applicant will be providing broadband service only.

Items 2, 6 and 7 are subject to confirmation by the Commission through the conduct of background check(s). For numbers 6 and 7, attach detailed description, if applicable.

6. Detailed information should be provided for the past 10 years, if applicable.
7. Detailed Information should be provided for the past 10 years, if applicable.
8. Attach audited balance sheet for the most recent fiscal year and an unaudited balance sheet as of the most recent fiscal quarter, a bank statement as of the month prior to the date of filing the application, or a third-party undertaking to

provide the required amounts on behalf of applicant. If the balance sheet shows current liabilities in excess of current assets or negative equity, explain how applicant will be able to maintain sufficient liquidity for its first year of operations. Attach detailed summary, if applicable.

Material changes in the entries for this application, such as discontinuing operation or bankruptcy, or change of name (DBA), change of address, telephone, fax number or E-mail address should be reported by a letter to the CPUC, Director of the Communications Division, 505 Van Ness Avenue, San Francisco, CA 94102.

ATTACHMENT B

GUIDANCE TO STAFF ON INFORMATION TO REQUIRE IN A PROGRAM APPLICATION CHECKLIST

(Required for EACH proposed project)

To assist the Commission in verifying the completeness of your proposal, mark the box to the left of each item submitted. Please note that the Checklist is intended only as an aid for applicants and Staff. Necessary information for many of these items can only be found in the Program Rules.

	1. Project Summary (This is the only section that will be released publicly, and may duplicate information collected elsewhere. All other items are considered confidential and will not be released publicly)
	<p>Basic Project/Applicant Information, including:</p> <ul style="list-style-type: none"> • Company/Applicant's Name • CPCN/U-Number or WIR or pending CPCN/WIR application number, if applicable • Contact person • Project title • Named Project Location (community/county) • Project Type (Last-mile or hybrid last-mile/middle mile) • Amount of program grant funding requested and project cost
	Map of the proposed project area
	The number of unserved households with no-service and the number of unserved households with slow-service for which the project will provide service
	If the project is requesting dial-up-only funding, it must state the number of households with dial-up-only service and the number of other program-eligible locations
	The maximum Mbps downstream and upstream speed currently offered to households
	Median household income of the project area
	The number of businesses, anchor institutions and public safety locations in the project area that will receive new or improved service
	A description of the major infrastructure to be deployed
	Estimated breakdown of aerial and underground installation
	Major equipment expenses

	Estimated construction timeline
	<p>Description of proposed broadband project plan for which program funding is being requested, including the type of technology to be provided in the proposed service areas:</p> <ul style="list-style-type: none"> • Download speed capabilities of proposed facilities. • Upload speed capabilities of proposed facilities. • Sufficient construction detail to enable a preliminary indication of the need for a California Environmental Quality Act (CEQA) review and if proposed project areas contains any environmentally sensitive areas. • Identification of the leveraging of existing available facilities • A statement of whether the applicant is disputing the Broadband Map depiction of served status. • A statement of whether the applicant is seeking Ministerial Review and, if so, information that the application meets all requirements for Ministerial Review. • An explanation of why any Middle Mile facilities in the proposed project are “indispensable” for accessing the proposed last-mile infrastructure. • A statement accepting open access requirements for any Middle Mile facilities in the proposed project
	2. Applicant Entity Information
	Information Sheet with a Certificate of Good Standing issued by the Secretary of State
	Organizational Chart, Company History, and Statement of Readiness to Build, Manage, and Operate Broadband
	Key Contact Information (Name, Title, Address, Email Address, and Phone number)
	Key Company Officers
	3. Description of the Applicant’s Current Broadband Infrastructure and Existing Infrastructure in the Area
	A description of the provider’s current broadband infrastructure and service within five miles of the proposed project
	A description of other providers’ infrastructure within the project area which can be leased, purchased or accessed via interconnection

4. Project Location Data	
	The geographic location of all households and housing units. This information will be provided in a plain-text, comma-separated values (CSV format) file, that contains geo-located street address information, including latitude and longitude coordinates.
	The geographic location of the project related key network equipment, such as; DSLAMs, wireless towers, router facilities, remote terminals, network interconnection, etcetera.
	The specific geographic boundary of the project area within which all household and housing unit project locations will fall (.shp or .kml).
5. Median Income	
	The median household income for each census block group (CBG) that intersects the project area.
6. Project Eligibility	
	An assertion that the applicant reviewed the available data on the Broadband Map and determined that the broadband project area proposed is eligible.
7. Deployment Schedule	
	A schedule for obtaining necessary permits prior to construction. The schedule must include the timeline required for the California Environmental Quality Act (CEQA) review, as applicable
	A schedule for project construction following receipt of permits, to complete the project within 24 months, or within 12 months if the project is categorically exempt from CEQA.
8. Proposed Project Expenditures	
	Identification of expense categories (direct or indirect)
	Identification of direct expenses
	Identification of individual cost elements and their cost amount.
	Identification of allocated indirect costs
9. Economic Life of All Assets to be Funded	
	The applicant must identify all the equipment to be funded by the program by category, the type of equipment, and the estimated useful life
10. Letter of Credit Requirement	
	An eligible applicant that does not hold a CPCN issued by the Commission is required to submit a Letter of Credit.

	11. Pricing Commitment
	Fixed monthly service level subscription rates
	Acknowledgement that any installation/service connection charges will be waived
	any commitments and/or requirements that the customer must accept in order to receive equipment during the commitment period, such as return of equipment
	Low-income broadband plan detailing prices and speeds to be offered. At minimum, the low-income broadband plan must meet all program performance criteria
	12. Marketing/Outreach Plan
	The applicant must provide a plan to encourage subscription of the broadband service in the project location.
	13. Government and Community Support
	The applicant may submit endorsements or letters of support from state and local government, community groups, and anchor institutions supporting the deployment of the broadband infrastructure.
	14. Funding Sources
	The applicant must identify each applicable project funding source.
	15. Financial Qualifications
	CPA Audited/Attested Financial Statements for the last three years, including: <ul style="list-style-type: none"> • Balance Sheet • Income Statement • Statement of Cash Flows
	Pro Forma Financial Forecast for a five-year period, including: <ul style="list-style-type: none"> • Balance Sheet • Income Statement • Statement of Cash Flows
	Five-year annual EBIT (Earnings Before Income and Tax) projection for the company
	16. Project Viability
	The applicant must provide a five-year projected project business plan showing project profitability, revenues, and expenses.
	17. Providing Voice Service
	The applicant must provide information about the following: <ul style="list-style-type: none"> • Availability of voice service that meets FCC standards for E-911 service and battery back-up; • Listing of types of voice services offered; and

	<ul style="list-style-type: none"> • Timeframe of voice offering(s).
	18. CEQA Attestation
	The applicant must provide information about their project demonstrating how CEQA compliance is to be obtained.
	19. Application Checklist
	This is the Application Checklist; please check the boxes as you complete the sections, and include the complete Checklist with your application.
	20. Affidavit
	Applicants must submit an affidavit, under penalty of perjury, that to the best of their knowledge all the statements and representations made in the application information submitted is true and correct.

Submit completed applications online at website TBD
with hard copies mailed separately to:

Communications Division
Attn: California Advanced Services Fund
California Public Utilities Commission
505 Van Ness Ave.
San Francisco, CA 94102

Public Advocates Office at the CPUC
Re: California Advanced Services Fund
California Public Utilities Commission
505 Van Ness Ave.
San Francisco, CA 94102

ATTACHMENT C
Guidance to Staff on Information to Require for Telephone Corporations
NOTARIZED AFFIDAVIT

Name of Carrier/Company _____
Utility Identification Number _____ or _____ check here if Application for
CPCN is pending and the CPUC assigned application no., if available.
My name is _____. I am _____ (Title) of
_____ (Company). My personal knowledge of the facts stated
herein has been derived from my employment with _____
(Company)

I swear or affirm that I have personal knowledge of the facts stated in this Application
for the California Advanced Services Fund, I am competent to testify to them, and I
have the authority to make this Application on behalf of and to bind the Company.

I further swear or affirm that _____ [Name of Carrier/Company]
agrees to comply with all federal and state statutes, rules, and regulations, covering
broadband services and state contractual rules and regulations, if granted funding from
the California Advanced Services Fund.

I swear and affirm that I agree to comply with Rules 1.11 and 2.2 of the California Public
Utilities Commission's rules of practice and Procedure.

I swear or affirm, under penalty of perjury, and under Rule 1.1 of the California Public
Utilities Commission's Rules of Practice and Procedure, that, to the best of my
knowledge, all of the statements and representations made in this Application are true
and correct.

Signature and title

Type or print name and title

SUBSCRIBED AND SWORN to before me on the ____ day of ____, 20__.

Notary Public In and For the State of _____

My Commission expires: _____

Guidance to Staff on Information to Require
Non-Telephone Corporations
NOTARIZED AFFIDAVIT

Name of Carrier/Company _____
Utility Identification Number _____ or _____ check here if Application for
CPCN is pending and the CPUC assigned application no., if available.
My name is _____. I am _____ (Title) of
_____ (Company). My personal knowledge of the facts stated
herein has been derived from my employment with _____
(Company)

I swear or affirm that I have personal knowledge of the facts stated in this Application
for the California Advanced Services Fund, I am competent to testify to them, and I
have the authority to make this Application on behalf of and to bind the Company.

I further swear or affirm that _____ [Name of Carrier/Company]
agrees to comply with all federal and state statutes, rules, and regulations, covering
broadband services and state contractual rules and regulations, if granted funding from
the California Advanced Services Fund.

I swear and affirm that I agree to comply with Rules 1.11 and 2.2 of the California Public
Utilities Commission's rules of practice and Procedure.

I swear or affirm, under penalty of perjury, and under Rule 1.1 of the California Public
Utilities Commission's Rules of Practice and Procedure, that, to the best of my
knowledge, all of the statements and representations made in this Application are true
and correct.

If [Grantee Name] violates the terms and conditions of a program award or other
program and project compliance requirements, it shall be subject to Public Utilities
Code Sections 2108 and 2111. The Commission may impose the maximum penalties
allowed under Public Utilities Code Sections 2108 and 2111 for failure to meet the
program and project compliance requirements, as determined by the Commission.

Signature and title

Type or print name and title

SUBSCRIBED AND SWORN to before me on the ____ day of ____, 20____.

Notary Public In and For the State of _____

My Commission expires: _____

ATTACHMENT D

**Guidance to Staff on Information to Require in a Program
CONSENT FORM**

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



Name of Grantee: _____

The Grantee identified above acknowledges receipt of either a Resolution or a letter from Commission Staff approving a grant under the Ministerial Review process. The Grantee agrees to comply with all grant terms, conditions, and requirements set forth in Resolution T-_____ or letter _____, as well as all program rules, including those in the Broadband Infrastructure Accounts Requirements, Guidelines and Application Materials.

Undersigned representative of _____ [Name of Grantee] is duly authorized to execute this Consent Form on behalf of the Grantee and to bind the Grantee to the terms, conditions, and requirements set forth in California Public Utilities Commission Resolution T-_____ or the letter referenced above.

Dated this _____ day of _____, 20__.

Signature

Printed Name

Title: _____

Organization or Name of Company: _____

Business Address (include street address, suite/apt. number, city, state, and ZIP Code):

Telephone Number (include area code): (_____) _____

Email Address: _____

ATTACHMENT E
Guidance to Staff on Information for a
SAMPLE OPEN ACCESS REQUIREMENT

The Middle-Mile infrastructure is eligible for a program grant. Staff determined the middle-mile infrastructure is indispensable to serving the proposed project areas and thus eligible for program Funding. The program funded portion of the middle-mile fiber network shall be made available for access to any communications service provider seeking interconnection. The grantee shall provide nondiscriminatory interconnection and internet access at reasonable and equal terms at any technically feasible interconnection point along the network. Further, the grantee must make all reasonable efforts to allow requesting parties to interconnect and procure transport service or wholesale a direct connection.

An interconnection that would exceed current or reasonably anticipated capacity limitations is not considered technically feasible. The grantee shall provide feasible interconnection points along the middle-mile network, which may include previously defined interconnection points, new and existing network exchange locations, and splice points. The grantee shall provide information detailing the fiber infrastructure to parties requesting to procure dark fiber including, but not limited to, fiber route maps, interconnection points, splice points, and type of fiber. In addition, the grantee must provide requesting parties with an ability to connect to the Internet irrespective of whether the program recipient connects to the Internet directly or indirectly.

Pricing and terms and conditions for interconnection shall be reasonable, equal, and nondiscriminatory. The grantee must offer tiered pricing or a range of options to fit different business models; offerings must be the same for all similarly situated interconnected entities such as Wholesale (ISP) / Government / Public Anchor Institution. Terms and conditions may include any essential elements of network operations such as cybersecurity, circuit provisioning, network outages, future capital investment costs, and operations and maintenance costs. Program recipients must negotiate in good faith with all requesting parties (i.e., public, private, non-profit, or other parties) making a bona fide request for interconnection services.

In the event that the program recipient does not negotiate in good faith with a party requesting open access, the requesting party may file a complaint with the Commission.

Annual Reporting

For the serviceable life of the middle-mile infrastructure, a grantee must provide, in its

confidential annual report to the Commission, a detailing of the number of interconnection requests and executed service agreements. The report must include: date of request, requesting party, location of requested interconnection, service requested, outcome of request, pricing, tariffs (if applicable), and terms and conditions.